Supreme Court, U.S.
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No. 91-1962

IN THE

Supreme Court of the United States

OCTOBER TERM, 1991

UNION MORTGAGE COMPANY, INC.,
Petitioner,

vs.

WILLIE MAE BARLOW and WILLIE J. GALY,
Respondents.

On Petition for a Writ of Certiorari to the
Supreme Court of Alabama

RESPONDENTS' OBJECTION TO THE REPUBLIC OF FINLAND'S MOTION TO FILE BRIEF *AMICUS CURIAE* IN SUPPORT OF PETITIONER

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The Respondents hereby object to the Republic of Finland's motion for leave to file a brief *amicus curiae* in this case on behalf of the Petitioner on the grounds set forth herein.

1. The proposed *amicus curiae* brief of the Republic of Finland does not bring new matters to this Court's attention.

The proposed *amicus curiae* brief of the Republic of Finland does not meet the requirements of Rule 37.1 of this Court

providing that such a brief must bring relevant matters to the Court's attention not already brought to its attention by the parties. The proposed *amicus curiae* brief of the Republic of Finland advances the same argument made by the Petitioner.

2. The proposed *amicus curiae* brief of the Republic of Finland is inaccurate in its representation of the evidence regarding the capitalization of the Petitioner.

At footnote 1 on page 2 of the proposed *amicus curiae* brief of the Republic of Finland the text omits an extremely important portion of the trial court's *Hammond* order in which the trial court noted that "Union Mortgage did not produce any documents which reflect any obligation to repay the money advanced under the 'line of credit.' " (Pet. App. 39a). The Petitioner offered no explanation during the *Hammond* hearing regarding the absence of documents supporting the alleged "loan"; however, the evidence during that hearing did establish that the Petitioner derived millions of dollars of interest income from its mortgage portfolio but that the Petitioner paid no taxes of any consequence in this country due to that income. The trial court properly determined, after hearing testimony on the subject by an investment banker, a certified public accountant, and a professor of finance, that the distinct corporate entity, Union Mortgage, possessed sufficient assets to satisfy the punitive damages award in this case. After a thorough review of the record, the Alabama Supreme Court affirmed that assessment.

The Republic of Finland's entire argument is premised on the assumption that Skopbank was a legitimate creditor with claim to all the assets of Union Mortgage for satisfaction of an asserted debt. This argument has already been addressed and rejected by the Alabama Supreme Court.

Based upon the matters set forth herein, the Republic of Finland's motion for leave to file an *amicus curiae* brief in support of the Petitioner is due to be denied.

Dated: July 23, 1992

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the above and foregoing upon the below listed persons by U.S. Mail properly addressed and first-class postage prepaid, on this 23rd day of July, 1992.

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